

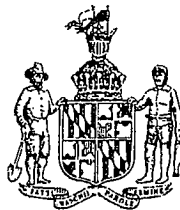
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THE ATTORNEY GENERAL OF MARYLAND  
OFFICE OF COUNSEL TO THE GENERAL ASSEMBLY

November 26, 2008

The Honorable William A. Bronrott  
411 House Office Building  
Annapolis, Maryland 21401-1991

Dear Delegate Bronrott:

You have asked for advice concerning the permissible uses of the revenues from speed cameras in Montgomery County. Specifically, you have asked whether a portion of the revenue from the program could be used to finance ambulance service, in lieu of a proposal to charge users of the ambulance service a fee for the service. While the matter is not completely clear, it is my view that the law can be interpreted to permit the expenditure of speed camera revenues on ambulance services. It is also my view, however, that this particular proposal would not meet the requirement of another provision of the law that the speed camera revenue expenditure supplement and not supplant existing county expenditures.

As I understand it, Montgomery County currently finances ambulance services in the County. It has been proposed that a fee be imposed on ambulance users to cover part or all of this expense. As an alternative, it has been proposed that the expense of operation be funded out of the revenues from speed cameras.

The use of speed cameras in Montgomery County is authorized by Chapter 15, Laws of Maryland 2006 (House Bill 443 of 2005). Section 2 of that law is an uncoded provision that reads:

- (1) Beginning in fiscal year 2006 and each fiscal year thereafter, Montgomery County shall use the revenues generated from the enforcement of speed limit laws as authorized under this Act solely to increase local expenditures for related public safety purposes, including pedestrian safety programs; and
- (2) Related public safety expenditures required under this section shall be used to supplement and may not supplant existing local expenditures for the same purpose.

There can be no question that the operation of an ambulance service is a public safety purpose. Provisions relating to ambulance and emergency medical services are found in the Public Safety Article of the Code. See Public Safety Article Titles 6 and 7. Members of ambulance crews are included in the definition of "public safety employee" under both federal and State law. 42

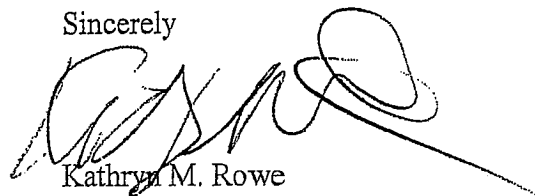
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U.S.C. § 3796b(9)(A); Labor and Employment Article § 9-628(a)(2). Moreover, the term "public safety" has generally been given a broad definition. *Cf., Parr v. Ladd*, 36 N.W.2d 157 (Mich. 1949) (off street parking has a definite bearing on public safety); Sutherland *Statutes and Statutory Construction* § 73:4 (2003) (listing matters considered to be within rubric of public safety). Section 2, however, does not only require that the revenue be used for public safety purposes, but that it be for "related public safety purposes, including pedestrian safety programs." This would appear to require that the revenues be used for public safety purposes related to the same purposes of the speed camera legislation itself, that is promoting traffic safety and protecting pedestrians. Ambulance service is at the reactive, rather than the proactive, end of this chain. However, I cannot say that it is not related to the goals of Chapter 15.

An additional hurdle arises from the requirement that the related public safety expenditures "shall be used to supplement and may not supplant existing local expenditures for the same purpose." While this would allow the expansion of the existing ambulance service, or the purchase of additional equipment, it would not allow a cost that is already paid by the County, as it now is, to be paid from speed camera revenues instead. It is for this reason that it is my view that this would not be an appropriate expenditure of the revenues from speed cameras.

Sincerely



Kathryn M. Rowe  
Assistant Attorney General

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